

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
VS.) No. 04-10049-T-An
)
)
EDDIE DAVIDSON,)
)
Defendant.)

ORDER GRANTING MOTION FOR EXPERT SERVICES AND
DENYING MOTION FOR TRANSFER OF EVIDENCE

Defendant has moved the court to authorize funds to hire an expert to examine drug evidence pursuant to the Criminal Justice Act, 18 U.S.C. §3006(A)(e)(1). In support of his motion, Defendant states that (1) he was found to be indigent by the court and defense counsel was appointed to represent him; (2) part of his defense is that the items found on his person were not illegal drugs; (3) it will be impossible for defense counsel to adequately present a defense in the absence of an expert examination of the items taken by law enforcement authorities.

Section 3006A(e)(1) provides:

Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate representation may request them in an *ex parte* application. Upon finding, after appropriate inquiry in an *ex parte* proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate judge if the services are required in connection with a matter over which he has

jurisdiction, shall authorize counsel to obtain the services.

Id. “A district court may deny a motion under this section if it finds that the requested services are not necessary for adequate representation.” United States v. Osoba, 213 F.3d 913, 914 (6th Cir. 2000).

In the present case, it appears that the services of an expert to examine the drugs are necessary for adequate representation. Consequently, Defendant’s motion is GRANTED, and defense counsel is authorized to retain the services of a drug expert to be compensated in an amount not to exceed \$1000.00.

Defendant has also requested that the court order the Government to transfer the alleged illegal drugs to the court appointed expert for the purposes of examination and analysis. This motion is DENIED. The expert may make arrangements with the Government for a mutually convenient time and place to examine the drugs.

In summary, Defendant’s motion for expert services is GRANTED and motion for transfer of evidence is DENIED.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE